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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,931

10/16/2006

Ross Phillip Wilson

1567-7 PCT/US

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HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET, NY 11791

EXAMINER

SAUNDERS, DAVID A

ART UNIT

PAPER NUMBER

1644

MAIL DATE

DELIVERY MODE

02/18/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,931	Applicant(s) WILSON, ROSS PHILLIP	
	Examiner David A. Saunders	Art Unit 1644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,33-37,51,55-61,67-70 and 73 is/are pending in the application.
- 4a) Of the above claim(s) 55-61 and 67-70 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5,7 and 73 is/are allowed.
- 6) ☒ Claim(s) 33-37 and 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/30/09</u> . | 6) <input type="checkbox"/> Other: _____ |

AMENDMENT ENTRY

Amendment of 11/30/09 has been entered. Claims 1-5, 7, 33-37, 51 55-61, 67-70 and 73 are pending. Claims 1-5, 7, 33-37, 51 and 73 are under consideration.

OBJECTION(S)/REJECTION(S) OF RECORD WITHDRAWN

The amendment has overcome previously stated issues as follows:

The objection to the specification

The objection to claim(s) 1 and 7.

The rejection of claims 1 and 33 under 35 USC 112, 2nd paragraph for recitation of both "having a blood group compatible" and "having an unmatched blood group". The examiner concurs that the claims are to be interpreted in light of spec. page 3, lines 11-14.

The rejection of claim(s) 2-6 and 34-39 under 35 USC 112, 2nd paragraph for failing to specify which "canine animal" is being referenced.

The rejection of claim(s) 7 under 35 USC 112, 2nd paragraph.

The prior art rejection of Claims 1-5 under 35 U.S.C. 103(a) as being unpatentable over Natanson et al in view of Giger et al, since the limitation of claim 6 has been inserted into claim 1.

The prior art rejection of Claims 1, 7, 33-37 under 35 U.S.C. 103(a) as being unpatentable over Natanson et al in view of both Giger et al and Harvath et al, since the limitation of claim 6 has been inserted into claim 1, and since the limitation of claim 38 has been inserted into claim 33.

The prior art rejection of Claim 49 under 35 U.S.C. 103(a) as being unpatentable over Natanson et al in view of both Giger et al 1995) and Harvath et al, as applied to claim 33, and further in view of Emery et al, since the rejection of base claim 33 has been overcome.

NEW REJECTION(S) UNDER 35 USC 112, SECOND PARAGRAPH

Claims 33-37 and 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 33, the insertion of the limitation "where said donor canine animal is characterized by a phenotype negative for anti-globulin antibodies" into the conclusion of step 4) creates confusion as to when, in the sequence of steps, one knows that the "animal is characterized by a phenotype negative..." It is considered that this limitation should have been inserted into step 1).

FINALITY

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

This application contains claims 55-61 and 67-70 drawn to an invention nonelected without traverse in the reply filed on 3/3/09. A complete reply to the final rejection must include cancellation of nonelected claims. Otherwise, the claims will need to be cancelled by an examiner's amendment, for which applicant may be required to pay additional extension of time fees.

CONTACTS

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Saunders, whose telephone number is 571-272-0849. The examiner can normally be reached on Mon.-Thu. from 8:00 am to 5:30 pm and on alternate Fridays. The examiner's supervisor, Ram Shukla, can be reached on 571-272-0735. The fax number where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Typed 2/16/10 DAS

/David A Saunders/

Primary Examiner, Art Unit 1644